

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BROADBAND FACILITY PARTNERS, LLC,  
a Colorado limited liability company,

Plaintiff,

v.

TEN X CAPITAL PARTNERS III, LLC, SERIES D,  
a Delaware limited liability company, d/b/a  
CHICAGO FIBER SYSTEMS,

Defendant.

Civil Action No. 08 C 01623

Judge Leinenweber

**File with: Magistrate Judge Brown**

**JOINT STATUS REPORT**

Plaintiff Broadband Facility Partners, LLC (“Broadband”) and TexX Capital Partners III, Series D (“TenX”), by and through their attorneys, and pursuant to the Court’s Standing Order for Initial Status Report, hereby submit the following Joint Status Report:

**I. Summary of Claims**

*Broadband’s allegations:*

Broadband is in the primary business of brokering telecommunication network assets and providing valuation expertise and sourcing network solutions services to the telecommunications industry, and typically receives a commission in the range of 10% to 15% of any transaction’s value. In mid-2006, TenX engaged Broadband for the purpose of developing a strategy for the network assets of Chicago Fiber Systems, a commercial fiber optic service company owned and operated by TenX. Broadband found a prospective buyer for those assets, and after months of working on TenX’s behalf, that transaction closed for an amount believed to be in excess of \$8 million. Broadband alleges that TenX has refused to adequately compensate Broadband for the

services it provided, and asserts in this lawsuit claims for quantum meruit and, alternatively, promissory estoppel.

*TenX's response:*

TenX admits that Broadband introduced the above-referenced buyer to TenX, but denies the material allegations of Broadband's claims.

## **II. Statement of Relief Sought**

Broadband seeks, under its quantum meruit theory, the reasonable value of the services it provided to TenX, which Broadband alleges is approximately \$960,000 (equal to a 12% commission fee based on a transactional value of \$8 million). Alternatively, Broadband seeks at least \$350,000 as compensation for the services it provided to TenX, under a theory of promissory estoppel.

## **III. Matter Before the Magistrate Judge**

This matter has been referred to Magistrate Judge Brown for the purpose of holding a settlement conference.

## **IV. Status of any Briefing on Matters Referred**

N/A

## **V. Referral for Discovery Matters**

N/A

## **VI. Consent to Trial Before Magistrate Judge**

The parties at this time do not consent to trial before the Magistrate Judge.

**VII. Deadlines Set By District Judge**

No deadlines for discovery cut-off, pretrial submissions or trial have been set by the District Judge. A status hearing before Judge Leinenweber has been set for September 3, 2008 at 9:00 a.m.

**VIII. Status of Settlement Negotiations**

Prior to filing of this lawsuit, the parties engaged in some limited settlement discussions.

Dated: July 16, 2008

Respectfully submitted,

BROADBAND FACILITY PARTNERS, LLC

By: s/ Jennifer Yule DePriest

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TEN X CAPITAL PARTNERS III, LLC, SERIES D

By: s/ Eric P. Sparks

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2008, a copy of the foregoing **Joint Status Report** was filed electronically. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

/s/ Jennifer Yule DePriest  
Jennifer Yule DePriest